

## **CITY OF ROCHESTER, MINNESOTA POLICE DEPARTMENT**

---

101 4<sup>TH</sup> Street Southeast  
Rochester, Minnesota 55904-3761  
507-328-6800 • Fax 507-328-6975

**To:               Fraudulent Check and Credit Card Victims**

**From:           Rochester Police Department**

**Subject:        FRAUDULENT CHECK AND CREDIT CARD REPORTING**

The Rochester Police Department has adopted the following guidelines and procedures to address fraudulent checks and the acceptance of checks and credit cards, to include the investigation and successful prosecution of fraudulent checks and credit card sales. These guidelines and procedures have been formulated with the participation of both the City and County Attorney's offices.

- ✓ Fraudulent Check Reporting Procedures (PAGE 1)
- ✓ "Fraudulent Check Report" Form (PAGE 2-3)
- ✓ Categories of Bad Checks (PAGE 4)
- ✓ Checks to Avoid (PAGE 5)
- ✓ Check Processing Requirements (PAGES 6,7)
- ✓ "Non-Sufficient, Account Closed, Refer to Maker, and Electronic" Checks *under* \$2,500.00 (PAGES 8-15)
- ✓ "Non-Sufficient, Account Closed, Refer to Maker, and Electronic" Checks *over* \$2,500.00 (PAGES 16-17)
- ✓ "Forged" Checks (PAGE 18)
- ✓ "Stop Payment" Checks (PAGE 19)
- ✓ Credit Cards (PAGE 20)
- ✓ Alternatives to Prosecution (PAGE 21)
- ✓ What to do if Your Wallet is Stolen (PAGE 22)
- ✓ "Notice and Demand for Payment of Dishonored Check" form (PAGE 23)

By strictly adhering to these guidelines, you should realize a decrease in the losses incurred due to bad checks and credit card sales. You and your employees are urged to familiarize yourself with this information.

This information is being provided to you by the Rochester Police Department. If you should have any questions, please do not hesitate to contact the Rochester Police Department at 507-328-6800.

# ROCHESTER POLICE DEPARTMENT

## **FRAUDULENT CHECK AND CREDIT CARD REPORTING**

### **PROCEDURES**

Before further action can be taken, the following procedure must be strictly adhered to:

- ✓ Complete the enclosed Rochester Police Department “*Fraudulent Check Report*” form to determine if possible prosecution can be continued.
- ✓ Complete a “*Notice and Demand for Payment*” and send it to the account holder at the address listed on the check. If you have knowledge that the account holder has moved, send another “*Notice and Demand for Payment*” to the new address. One notice must be sent to the address listed on the check. (SEE PAGES 16-17)
- ✓ Send the “*Notice and Demand for Payment*” by Certified Mail. It is best to use Certified Mail as you are then able to know by receipt of the green card whether or not the account holder received your notice. If the account holder has moved or does not pick up the letter at the post office, the green card will be returned to you along with the letter that you sent. We recommend you always use Certified Mail and maintain a copy of the notice.
- ✓ After five business days have passed from the time the account holder signed the Certified Mail receipt, or after the undelivered notice is returned to you, the matter may be presented for prosecution by following instructions as contained in the Rochester Police Department “*Fraudulent Check Report*” form.

# ROCHESTER POLICE DEPARTMENT

# FRAUDULENT CHECK REPORT

<input type="checkbox"/> ACCOUNT CLOSED <input type="checkbox"/> NON-SUFFICIENT FUNDS		<input type="checkbox"/> NO ACCOUNT <input type="checkbox"/> OTHER:		DATE REPORTED:	CASE FILE #
CHECK PAYABLE TO:					WORK PH:
ADDRESS:				CITY/STATE/ZIP:	
BUSINESS MANAGER:				TITLE:	
PERSON WHO INITIALLY ACCEPTED THE CHECK FROM THE CHECK PASSER (FULL NAME):					DATE OF BIRTH:
HOME ADDRESS:				CITY/STATE/ZIP:	
HOME PH:		WORK PH:		CELLULAR PH / PAGER: (CIRCLE)	
<b>YES</b>	<b>NO</b>	<b>THE FOLLOWING QUESTIONS MUST BE ANSWERED</b>			
<input type="checkbox"/>	<input type="checkbox"/>	1. Was the check passed outside of Rochester? If so, contact investigating agency where check was passed.			
<input type="checkbox"/>	<input type="checkbox"/>	2. Was the check received by mail?			
<input type="checkbox"/>	<input type="checkbox"/>	3. Is the check from out-of-state? (either the passer or bank)			
<input type="checkbox"/>	<input type="checkbox"/>	4. Is the check a two or more party check?			
<input type="checkbox"/>	<input type="checkbox"/>	5. Was the check dated for a future date other than the day written? (post-dated)			
<input type="checkbox"/>	<input type="checkbox"/>	6. Was the check written to cover a previous "bad" check?			
<input type="checkbox"/>	<input type="checkbox"/>	7. Was the check for a pre-existing debt, payment on account, charge account, etc.?			
<input type="checkbox"/>	<input type="checkbox"/>	8. Is the check illegible or appeared to be altered in any way? (Date, amount, etc.)			
<input type="checkbox"/>	<input type="checkbox"/>	9. Is the check a counter/starter check?			
<input type="checkbox"/>	<input type="checkbox"/>	10. Was agreement made to hold the check?			
<input type="checkbox"/>	<input type="checkbox"/>	11. Is the check more than 90 days old?			
<input type="checkbox"/>	<input type="checkbox"/>	12. Was a Temporary (paper) Drivers' Certificate used for identification?			
<input type="checkbox"/>	<input type="checkbox"/>	13. Was full name (first/middle/last) and date of birth obtained from the person signing the check?			
<input type="checkbox"/>	<input type="checkbox"/>	14. Was the check completed in the clerk's presence and signed by an account holder?			
<input type="checkbox"/>	<input type="checkbox"/>	15. Is the address of the account holder on the check?			
<input type="checkbox"/>	<input type="checkbox"/>	16. Was the account holder's full name, date of birth and address compared to a state issued driver's license or state issued photo identification card?			
<input type="checkbox"/>	<input type="checkbox"/>	17. Is a Minnesota Drivers' License or Identification Card number on the check?			
<input type="checkbox"/>	<input type="checkbox"/>	18. Did the clerk accepting the check place their employee number or initials on the check?			
<input type="checkbox"/>	<input type="checkbox"/>	19. Can the clerk accepting the check identify the passer?			
IF ANY QUESTION 1 THROUGH 12 IS ANSWERED "YES", OR ANY QUESTION 13 THROUGH 19 IS ANSWERED "NO", THE CHECK MAY NOT BE ACCEPTED FOR INVESTIGATION AND/OR PROSECUTION.					
<b>FRAUDULENT CHECK REPORT CONTINUED ON PAGE 3</b>					

CHECK PASSER (FULL NAME):			DATE OF BIRTH:	
ADDRESS OF ACCOUNT HOLDER:			CITY/STATE/ZIP:	
MN DL # OR ID #:			PHONE #:	
BANK CHECK DRAWN ON:			ACCOUNT #:	
DATE OF CHECK:	CHECK #:	AMOUNT OF CHECK:	BANK SERVICE CHARGE:	
<p>ANY ADDITIONAL WITNESSES, INFORMATION OR UNUSUAL CIRCUMSTANCES THAT WOULD AID IN RECALLING THE INCIDENT, INCLUDING THE MERCHANDISE AND / OR SERVICES OBTAINED, ANY VEHICLES THE PASSER MAY HAVE USED (LICENSE NUMBER), ETC.:</p> <p>DO YOU HAVE VIDEO OR A RECORDING OF THE SUBJECT AT THE TIME OF THE TRANSACTION?</p> <p>YES_____ No_____ IF YES PLEASE TURN OVER TO POLICE WHEN FILING THE POLICE REPORT</p>				
<p><b>INCLUDE THE FOLLOWING WITH THIS FORM WHEN REPORTING:</b></p> <ul style="list-style-type: none"> <li>✓ <b>NOTICE AND DEMAND OF PAYMENT, OR COPY IF NOT RETURNED.</b></li> <li>✓ <b>CERTIFIED MAIL RECEIPT, OR RECEIPT ATTACHED TO CERTIFIED LETTER IF RETURNED.</b></li> <li>✓ <b>ANY BANK CORRESPONDENCE.</b></li> <li>✓ <b>ORIGINAL CHECK, OR LEGIBLE COPY OF BOTH THE FRONT AND BACK OF THE CHECK.</b></li> </ul>				
<p><b>ALL NON-SUFFICIENT FUNDS, ACCOUNT CLOSED, REFER TO MAKER AND ELECTRONIC CHECKS UNDER \$2,500.00 THAT QUALIFY FOR PROSECUTION MUST FIRST GO THROUGH THE CHECK DIVERSION PROGRAM (SEE PAGES 8 – 15) AND MAILED TO:</b></p> <p style="margin-left: 40px;">ROCHESTER CHECK DIVERSION PROGRAM PO BOX 29 RED WING, MN 55066-0029</p>				
<p><b>ALL NON-SUFFICIENT FUNDS, ACCOUNT CLOSED, REFER TO MAKER AND ELECTRONIC CHECKS OVER \$2,500.00 REFER TO PAGES 16-17 AND MAKE A REPORT WITH THE ROCHESTER POLICE DEPARTMENT AT:</b></p> <p style="margin-left: 40px;">Rochester Police Department Law Enforcement Center 101 SE 4<sup>th</sup> St. Rochester, MN 55904-3761 Phone number: 507-328-6800      Fax number: 507-328-6975</p> <p style="text-align: center; margin-left: 100px;"><b>Always make an appointment before a visit</b></p>				
SIGNATURE, COMPANY AND TITLE OF REPORTING PERSON:				DATE:

## CATEGORIES OF BAD CHECKS

If a check is bad, it will be returned by the bank with a specific category or classification stamped on it. The common categories are as follows:

- ✓ ***Accounted Closed or Closing:*** Closed by the bank or by the person named on the check.
- ✓ ***No Account:*** Account either never existed or has been closed for a long period of time.
- ✓ ***Insufficient or Non-Sufficient Funds:*** The account does not have enough money in it to cover the check.
- ✓ ***Forgery or Unauthorized Signature:*** Signature on file does not agree with that on the check, or the account holder has claimed they did not write the check.
- ✓ ***Stop Payment:*** The account holder has requested the bank not to pay this check for some reason.

A worthless check or credit card sale can be the basis of a criminal prosecution only if the particular facts constitute a violation of criminal law and if the prosecution is able to prove all the elements of the offense. It is the position of the Rochester Police Department to accept check or credit card reports only for the purpose of prosecution. Prosecution *does not guarantee* restitution, although restitution is usually required by the courts in most cases.

Not every “bad” check or credit card can be prosecuted. You may have to pursue action through the civil courts. The police do not have authority to pursue civil matters, these you will have to handle yourself.

## CHECKS TO AVOID

The following checks if accepted may be difficult to investigate and/or prosecute:

- ✓ *Checks not passed in Rochester.*
- ✓ *Checks received by mail.*
- ✓ *Out-of-state checks.* These are checks where either the passer or the bank is out of state. We are unable to obtain the information needed to prosecute.
- ✓ *Two or more party checks.* These checks cannot be prosecuted as the signer of the check is not the passer. Therefore, the passer cannot be held accountable and the signer did not pass the check in your presence.
- ✓ *Post-dated checks.* These are checks dated for a date usually for some time in the future, other than the date on which the party received the merchandise/service.
- ✓ *Checks which are illegible or appeared to be altered.* This includes account holder information, date, amount, etc.
- ✓ *Checks on which an agreement was made to hold* for any period of time before presenting to the bank institution.
- ✓ *Checks not completed in your presence* and/or not signed by a designated account holder.
- ✓ *Counter or starter checks.* These are checks on which there is no check number and/or account holder information.
- ✓ *Checks which are on account or installment payment.* This establishes credit, which is a civil matter.
- ✓ *Checks taken for previously bounced checks.* Never accept a check as payment for a check that has bounced; we recommend cash or money orders. If the second check also bounces, neither check can be prosecuted as you have established credit, which is a civil matter.
- ✓ *Checks which are written significantly over the amount of purchase.*

***If in doubt, do not accept the check. A check is merely a piece of paper. It is not the same as cash. If you would not extend the person credit, do not accept the check.***

In addition, the following checks will **not be accepted for prosecution**:

- ✓ “Stop Payment” checks. (SEE PAGE 19)
- ✓ Checks submitted for prosecution in excess of 90 days from the date the check is written.
- ✓ Checks for which the “Notice and Demand for Payment” have not been sent to the maker.  
(SEE PAGES 16-17)
- ✓ Checks for which a temporary (paper) driver’s certificate was used as a means of identification.
- ✓ Checks for which a State of Minnesota photo driver’s license/identification card was not used as a means of identification.

## CHECK PROCESSING REQUIREMENTS

At the time of acceptance, the following information must be recorded on the check. If it is preprinted, you may circle the information *acknowledging* that the information matches the Minnesota Drivers License or Identification Card that is shown at the time of the transaction or, the information can be written on the check by the person accepting it:

1. Full name (which includes first, middle, and last), and date of birth of the party passing the check.
2. Address.
3. State of Minnesota Drivers' License or Identification Card number.
4. Initials and/or employee number, if applicable, of the clerk accepting the check.

***The Rochester Police Department will not accept any checks for prosecution that do not have all of the above information recorded on the check.***

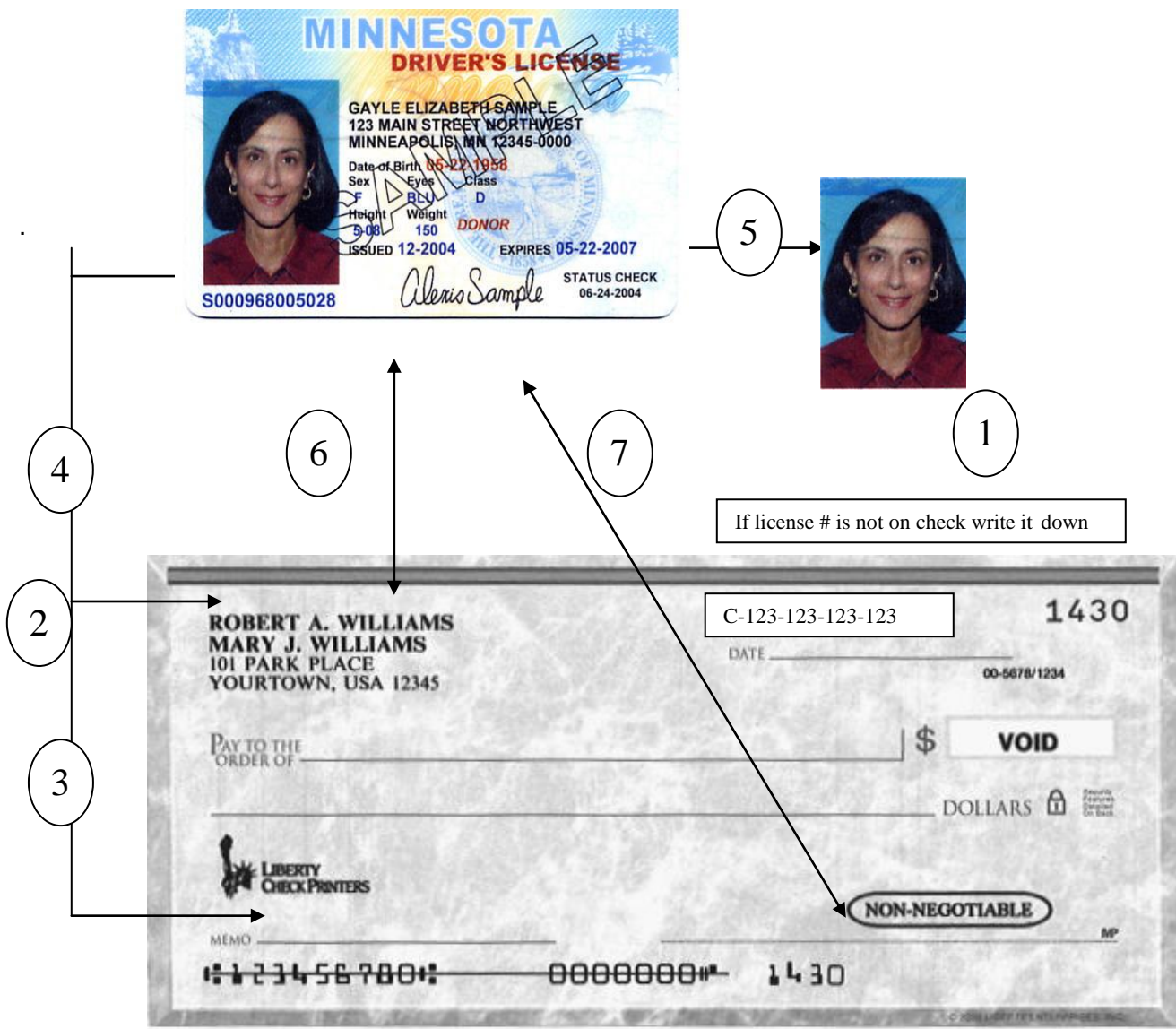
The following procedure is suggested by the Rochester Police Department to be used, in the order given, when accepting payment by check:

- ✓ After receiving the check, ask the customer for a photo Minnesota Drivers' License or Identification Card. Remember, these are the only acceptable means of identification without which there can be no prosecution if the check is later determined to be "bad".
- ✓ Ask the customer for:
  1. Middle Name (verify you have a full name)
  2. Date of Birth
  3. Address

If any one of the above is incorrectly given as it appears on the photo Minnesota Drivers' License or Identification Card, *do not accept the check.*
- ✓ Compare the account holder information (DL # or ID #, address, and signature) on the check with the corresponding DL or ID Card. If any one of the above does not correspond, *do not accept the check.*
- ✓ Compare the photo and physical description on the DL or ID Card with the check writer. If the above does not match, *do not accept the check.*

For successful prosecution, the person accepting the check must be able to appear in court, if required; and, under oath, personally identify the person who signed the check.

The Rochester Police Department suggests you create a printed, step-by-step policy/procedure (complying with the above). This printed procedure can be used to train employees and be displayed for all employees to view when accepting checks and, if required in court testimony, it can be shown to the court and stated it is consistently followed.



1. Record the identification number (DL # D-123-123-123-123)
2. Have employee initial upper left corner
3. Record home or work telephone number
4. Record date of birth (i.e. DOB 1/29/72) and middle name (to verify you have a full name)
5. Make sure photo on identification card matches customer
6. Make sure the identification card matches the name and address on the check  
If address on check isn't correct, write down good address as indicated by customer
7. Check the signatures on the identification card and match this signature to the signature on the check (endorsement line). If these signatures do not match, acceptance should be declined.

(New driver's licenses printed after 12/15/2004 will have new DL number – make sure you copy DL number off of driver's license, not check – old checks will have old DL)

**NON-SUFFICIENT, REFER TO MAKER, ELECTRONIC AND  
ACCOUNT CLOSED CHECKS *UNDER* \$2,500.00**

# **Rochester City Attorney**



## **WORTHLESS CHECK DIVERSION PROGRAM**

### ***A RESTITUTION GUIDE FOR MERCHANTS AND RESIDENTS***



Dear Rochester Merchants and Residents:

As consumers and taxpayers, we all pay higher prices because of the losses associated with people issuing worthless checks. Law enforcement spends significant resources investigating and prosecuting people who issue worthless checks. The number of worthless check cases increases every year.

In response to concerns regarding worthless checks, the Rochester Police Department has implemented a worthless check diversion program.

The main goals of the program are:

- Restitution for victims
- Increase accountability of people who issue worthless checks
- Educate and assist Rochester merchants and residents in reducing the number of worthless check cases
- Reduce the costs to law enforcement associated with investigating and prosecuting worthless check cases

The program is at no cost to the taxpayer or area merchants. It is solely supported by the people who issue the worthless checks.

If you have further questions after reviewing this packet, please contact the Check Diversion Program 1-651-388-2569.

Terry Adkins  
Rochester City Attorney  
201 4th St. S.E. Room 247  
Rochester, MN 55904

Roger L. Peterson  
Chief of Police  
Rochester Police Department  
Law Enforcement Center  
101 4<sup>th</sup> Street Southeast  
Rochester, MN 55904-376

## **INTRODUCTION**

The worthless check restitution program has four main goals. They are:

- Increase the amount of restitution returned to victims of bad checks
- Increase the accountability of all worthless check writers, regardless of the amount of the check
- Promote to local merchants more effective check acceptance and protection procedures
- Reduce the risk of repeat worthless check activity

## **PROGRAM SUMMARY**

The restitution program process is as follows:

1. Checks are entered into the FCS system.
2. Check writers are contacted by the FCS restitution program regarding the checks. Four scenarios are then possible:
  - A. Check writer pays the Check Diversion Program - 100% of the face value of the check is returned to the merchant plus bank fees, if paid.
  - B. Offender completes a financial counseling program offered by the Check Diversion Program.
  - C. Check writer fails to pay – the check is sent for prosecution review and proceedings.
  - D. If check is not at prosecutable limit, check writer is red flagged. The system will then notify if more checks are entered and prosecution review is done again.

## **CHECKS ELIGIBLE FOR THE PROGRAM**

- NSF, Account Closed, Refer to Maker, Stop Payment, and Electronic Checks received within city limits that do not exceed \$2,500.00.  
  
**If your check exceeds \$2,500.00, please bring directly to your law enforcement center. You must still follow the Prosecution Procedure outlined on pages 16-17 to determine if the check meets prosecution requirements.**
- Worthless checks LESS THAN 120 DAYS from the date issued by the check writer. (Exception: first time program users can send checks up to 2 years old)

## **CHECKS NOT ELIGIBLE FOR THE PROGRAM**

- **Promissory notes and/or arrangement to hold the check for deposit or credit extensions**  
(A customer must have obtained some type of service, product or merchandise at the time the check was passed)
- **Second party checks**
- **Checks that are currently in collections by a collection agency or attorney (law firm)**  
(checks can be forwarded to check diversion program after agency has sent them back)

## **STEPS TO FILING A COMPLAINT FORM**

THE TWO DOCUMENTS BELOW MUST BE COMPLETED BEFORE ANY CHECKS CAN BE PROCESSED IN THE PROGRAM.

1. THE **“MEMORANDUM OF UNDERSTANDING.”** SEND THIS WITH YOUR FIRST CHECKS.  
YOU NEED TO SEND THIS IN ONE TIME ONLY.
2. A COMPLETED **“CITIZEN FRAUDULENT CHECK REPORT”** FORM MUST ACCOMPANY  
EACH BATCH OF CHECK(S) SUBMITTED.
3. IF THE CHECK WRITER FAILS TO PAY RESTITUTION THROUGH THE WORTHLESS CHECK  
DIVERSION PROGRAM AND YOU REQUEST THAT FCS REFER THE CHECKS FOR PROSECUTION,  
YOU MUST FOLLOW THE **“PROSECUTION PROCEDURE”** AS OUTLINED ON PAGES 16-17. THE  
PROSECUTION PROCEDURE MUST BE FOLLOWED FOR EACH CHECK WRITTEN.

**YOU MUST SUBMIT THE ORIGINAL CHECK(S) STAMPED BY THE BANK WITH THE  
REASON IT WAS RETURNED TO YOU.**

**MAIL CHECKS TO:** FINANCIAL CRIMES SERVICES  
ROCHESTER (60) CHECK DIVERSION PROGRAM  
P.O. BOX 29  
RED WING, MN 55066-0029

## **WORTHLESS CHECK PROGRAM REPORTING**

Once a worthless check has been entered into the program:

**For information on checks sent in call 651-388-2569.**

Restitution recovered will be handled as follows:

- Paid in full restitution will be deposited into a trust account and paid back monthly.
- Payment plans will be deposited into a trust account and paid back after final payment is received.
- At the end of each month, you will receive a report with payment or a report on all checks submitted to the program during the month reported.
- If you have internet access, all reports will be available online and only payments will be mailed.

(There will be no reports sent out on a no activity account – you must sign on for online reporting to review activity)

## **SIGNAGE**

THE FOLLOWING SIGNAGE IS REQUIRED BY MINNESOTA LAW TO ALLOW MERCHANTS TO ENFORCE COLLECTION OF SERVICE CHARGES AND CIVIL PENALTIES. THIS MUST BE POSTED WHERE YOUR CUSTOMERS CAN SEE THE SERVICE CHARGE AT THE TIME THE CHECK IS ACCEPTED BY THE MERCHANT. COPY AS NEEDED.

**IT'S AGAINST THE LAW TO WRITE A BAD  
CHECK IN MINNESOTA**

**CHECKS RETURNED TO US FOR NONPAYMENT  
ARE SUBJECT TO A SERVICE CHARGE OF**

**\$30**

**ADDITIONAL CIVIL PENALTY MAY BE IMPOSED  
ON CHECKS RETURNED FOR NONPAYMENT AFTER 30 DAYS.**

MN STATUTE 604.113

MINNESOTA RETAIL MERCHANTS ASSOCIATION

**THIS PAGE WAS INTENTIONALLY LEFT BLANK**

## **MEMORANDUM OF UNDERSTANDING**

**To:** Check Diversion Program LLC  
P.O. Box 29  
Red Wing, MN 55066-0029

It is my intention to submit worthless checks to the Check Diversion Program. This is an acknowledgement to cooperate with all aspects of this program including:

To appear as witness, or have my staff appear as witnesses, as required for any prosecution of a worthless check submitted in this program.

I further agree that once a check has been submitted, I will NOT ACCEPT restitution from anyone, except from the Check Diversion Program. If restitution is accepted from anyone other than the Check Diversion Program, I could be liable for services performed and could be excluded from future service of this program for at least one year.

If I accept payment directly from the bad check writer, I will report payment to the Check Diversion Program within 24 hours. I understand that if payments directly to my business seem excessive, I may be assessed \$30 for each check for which I accept payment.

By this acknowledgement, when I forward a check to the Check Diversion Program, I am foregoing my right to personally recover any service charges or civil penalties. These service charges or penalties, if any, will be collected through the Check Diversion Program. I also understand that I am gifting the \$30.00 NSF fee allowed by state statute to the Check Diversion Program.

I am aware, and fully understand, that this program was established by the Rochester Police as a public service, and the City of Rochester is held harmless and has no liability for the inability to make recovery of any check(s).

I also understand that the Rochester Police, City Attorney and County Attorney's offices may pursue any and all legal criminal remedies for recovery of check(s) available to their offices.

I agree that in the event of a disputed check, a process for arbitration will be used to resolve the claims. I also agree to accept and abide by the decision of the mediator's judgment and make settlement of any fees, if found liable as a due course of arbitration. FCS may mediate my claims in good faith and be held harmless for any activities taken on my behalf.

I have received the copies of the restitution forms and guidelines for submitting checks to this program that I must complete. I recognize that a request for complaint form must be completed for each batch of checks being submitted.

As a merchant, I will ensure that I communicate to all my employees the proper check cashing/acceptance procedures and display our check cashing policy and Minnesota state law regarding check penalties as required by this program.

I understand that without proper photo identification such as a Minnesota driver's license or state identification card recorded or verified during the transaction, there may be limitations in pursuing the worthless check writer.

\_\_\_\_\_  
Signature of Company Representative

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

Please type or print the following information:

Business Name \_\_\_\_\_ Address \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Contact Name \_\_\_\_\_ Telephone number \_\_\_\_\_

Email Address \_\_\_\_\_

# PRELIMINARY WORTHLESS CHECK REPORT

## AND REQUEST FOR COMPLAINT

Mail to: Rochester Check Diversion Program  
P.O. Box 29  
Red Wing, MN 55066-0029

The Rochester City Attorney authorizes Check Diversion Program LLC to provide this service and to report individuals for criminal prosecution who meet guidelines.

VICTIM OR BUSINESS NAME	ADDRESS	BANK FEE
PERSON FILING COMPLAINT	CITY, STATE, ZIP CODE	BUSINESS PHONE (     )
	EMAIL ADDRESS	BUSINESS FAX (     )
<b>CAN ACCEPTOR ID CHECK WRITER THROUGH PHOTO LINE UP OR IN PERSON?</b> (Please check yes or no) <input type="checkbox"/> YES (ATTACH THE SINGLE CHECK WITH THIS FORM) <input type="checkbox"/> NO (ATTACH AS MANY CHECKS AS YOU WOULD LIKE)		

FULL NAME OF PERSON WHO INITIALLY TOOK THE CHECK FROM THE CHECK PASSER	FULL NAME AND DATE OF BIRTH OF CHECK PASSER
HOME PHONE NUMBER      WORK PHONE NUMBER	PHONE NUMBER OF CHECK PASSER
HOME ADDRESS	ADDRESS OF ACCOUNT HOLDER
DATE OF BIRTH	ACCOUNT NUMBER
	MN DL # OR ID #
<b>DO YOU HAVE VIDEO RECORDING CUSTOMER?</b> <input type="checkbox"/> YES (if yes please maintain and store the original and make still images to attach to this form) <input type="checkbox"/> NO	<b>SUSPECT COMPARED WITH ID?</b> <input type="checkbox"/> YES <input type="checkbox"/> NO

PHONE CALLS/DATE:

COMMENTS:

The check(s) in question is (are) submitted for criminal prosecution. By submitting this check(s) for prosecution, I agree NOT to accept restitution from the suspect or his/her agent. I certify that this report is true, accurate and complete to the best of my knowledge.

\_\_\_\_\_  
Victim Signature and Title      Company      Date

## **PROSECUTION PROCEDURE FOR WORTHLESS CHECKS**

(Account Closed, NSF, Refer to Maker, Stop Payment, and Electronic Checks)

For a worthless check to be considered for prosecution the following procedure must be strictly adhered to and completed:

- ✓ You have determined the check is not included among the “Checks to Avoid”. (SEE PAGE 5)
- ✓ You have determined that all “Check Processing Requirements” have been complied with.  
(SEE PAGES 6-7)
- ✓ The check has been presented to the bank for payment, even if the check is known to be without sufficient funds or account closed.
- ✓ A “Notice and Demand for Payment” has been completed, with the original sent to the account holder, copy retained by you, and has not been complied with.

*The “Notice and Demand for Payment” is a commercially produced legal form, obtainable at a local office supply store or your bank. You must use this form, not one made by yourself or your company. Complete the notice and send it via Certified Mail to the account holder at the address listed on the check. If you have knowledge that the account holder has moved, send another notice to the new address. One notice must be sent to the address listed on the check. For your convenience a copy of this form has been provided on the last page which can be copied for future use.*

- ✓ A Rochester Police Department “Fraudulent Check Report” form has been filled out in its entirety. This form is available from the police department, or you may reproduce the sample included within this informational booklet. (SEE PAGES 2-3)
- ✓ After five business days have passed from the time the account holder signed the Certified Mail Receipt, or after the undelivered notice is returned to you, the matter may be presented for prosecution.
- ✓ Checks under \$2,500.00 must first go through the Worthless Check Diversion Program (FCS.) Checks under \$2,500.00 that have been sent to the Worthless Check Diversion Program (FCS) that are then referred for prosecution must still meet the above criteria to be considered for prosecution.
- ✓ Checks above \$2,500.00 that have met the above criteria should be reported to the Rochester Police Department at:

Rochester Police Department  
Law Enforcement Center  
101 SE 4<sup>th</sup> St.  
Rochester, MN 55904-3761  
Phone number: 507-328-6800  
Fax number: 507-328-6975

**Always make an appointment before a visit**

**Prosecution procedure continued on page 17**

**When filing a report with the Rochester Police Department  
please give the reporting officer the following:**

1. A copy of the “Notice and Demand for Payment”.
2. The signed Certified Mail Receipt returned to you, or the green receipt card attached to the “Notice and Demand for Payment” letter if the letter was not claimed.
3. The original check or a legible copy of both the front and the back of the check.
4. The completed Rochester Police Department “Citizen Fraudulent Check Report” Form.
5. Any video or recordings of the customer at the time of the transaction.

Once referred to the Rochester Police Department by the Worthless Check Diversion Program for those checks under \$2,500.00, or reported to the Rochester Police Department for those checks over \$2,500.00, a further investigation will be conducted, if required, and the matter presented to the County or City Attorney’s Office for prosecution.

## FORGED CHECKS

By following the previously listed procedures in accepting checks, you should have a minimum for forged checks. If you should receive a forged check, the following items need to be completed:

- ✓ You have determined the check is not included among the applicable “Checks to Avoid,” as previously described.
- ✓ You have determined that all “Check Processing Requirements” have been complied with.
- ✓ You have obtained from the account holder the name of the police department and police case file number, reporting where the check(s) were lost or stolen.
- ✓ You have obtained from the account holder an “Affidavit of Forgery.”
- ✓ You have completed the “Fraudulent Check Report.”
- ✓ You have learned the true identity of the check passer. It is suggested you periodically contact the bank and/or account holder to determine if they have been notified of prosecution in another jurisdiction, thus possibly leading to identification. In addition, it is required that the person accepting the check must be able to, under oath, personally identify the person who signed the check.

If you can comply with all of the above, call the Rochester Police Department at 507-328-6800 so a report can be taken, the investigation continued, if applicable, and prosecution pursued.

***If you know the check is forged and is in-progress, immediately call the Rochester Police Department by dialing 911.***

## **“STOP PAYMENT” CHECK**

A “Stop Payment” check is not a criminal matter. There is an assumed customer dissatisfaction with the purchased product or service, which is a civil matter. However, if it can be established that the customer intended to defraud, such action is then criminal.

To help establish that intent, the Rochester Police Department suggests you send a letter via Certified Mail to the customer/account holder containing the following:

- ✓ Acknowledgement of receipt of the “Stop Payment” check on received date.
- ✓ Statement identifying the product or service received.
- ✓ Courteous inquiry as to why the dissatisfaction.
- ✓ Offer of remedy to exchange or return for full refund.
- ✓ Request a written reply within 15 business days of receipt of the letter.
- ✓ Statement that failure to reply will necessitate you’re reporting a theft matter to the Police Department.
- ✓ For those checks *under* \$2,500.00 follow the Worthless Check Diversion Program procedure.  
(SEE PAGES 8-15)
- ✓ For those checks *over* \$2,500.00 report to the Rochester Police Department and complete the following:
  - You have determined the check is not included among the applicable “Checks to Avoid,” as previously described.
  - You have determined that all “Check Processing Requirements” have been complied with.
  - You have completed the “Fraudulent Check Report.”

Upon completing the above, the matter may be submitted for prosecution consideration following the procedure as outlined in submitting Worthless checks. You are merely substituting your composed letter in place of the “Notice and Demand for Payment”.

## CREDIT CARDS

Credit card (financial transaction) fraud generally falls within two areas: 1) unauthorized use and/or forger of the credit card transaction; and 2) use of expired/cancelled card by card holder.

The Rochester Police Department suggests full name identification including first/middle/last name and date of birth be obtained and written on the credit card slip when accepting credit cards. Without the full identification and subsequent identity requirement by the person accepting the credit card, no prosecution can be pursued and there is no need to notify the police department. Additional guidelines in accepting credit cards include:

- ✓ Do not accept credit cards that appear altered.
- ✓ Do not accept a credit card that has expired.
- ✓ Follow store policy on requesting authorization.
- ✓ Accept a credit card only from the person(s) whose name appears on the card. If the card holder's spouse wishes to use the card and his/her name is not imprinted on the card, call for authorization before accepting the card.

Credit card transactions later found to be fraudulent may be prosecuted by completing the following conditions and then calling the Rochester Police Department at 507-328-6800:

- ✓ Determining that the full name identification, including first/middle/last name and date of birth, has been obtained and written on the credit card slip; and
- ✓ Determining that the person accepting the credit card can identify the user; and
- ✓ That the incident has first been investigated by the credit card company (where applicable).

***If in doubt, do not accept the credit card. A credit card is merely a piece of plastic. It is not the same as cash.***

***If you feel you have a forgery in-progress, or someone in your store is in possession of a stolen credit card or checks, immediately call the Rochester Police Department by dialing 911.***

## ALTERNATIVES TO PROSECUTION

Since criminal prosecution is not a collection process, alternative methods may be more desirable. These include:

- ✓ Turning the fraudulent check over to a private collection agency.
- ✓ Contacting the bank the fraudulent check was drawn on for assistance.
- ✓ Contacting a private attorney.
- ✓ Pursuing the matter civilly through Conciliation Court.

These methods are recommended if your primary concern is with recovering the monetary loss that you sustained. If you have any questions, please do not hesitate to contact the Rochester Police Department at 507-328-6800.

***You, the merchant, must keep in mind a check or credit card is merely a piece of paper/plastic. It is not the same as cash. If in doubt, do not accept the check or credit card.***



## ROCHESTER POLICE DEPARTMENT

### WHAT TO DO IF YOUR WALLET OR PURSE IS STOLEN

1. Immediately cancel your stolen credit cards, department store cards and ATM cards. If you do not use a credit card registry service, you should have a list or photocopies of all your credit cards with account numbers, expiration dates, and telephone numbers for each.
2. Don't issue "stop payments" on stolen checks. Instead, cancel the account. With today's computer programs, thieves can replicate your stolen checks and change their numbers.
3. File a police report. Banks, credit card companies and insurance companies may require such a report to verify the crime.
4. Call **888-766-0008** to place a fraud alert with all three major credit bureaus.

The three credit bureaus are:

#### **Equifax**

PO Box 740241  
Atlanta, GA 30374-0241  
800-685-1111  
770-612-3200  
[www.equifax.com](http://www.equifax.com)

#### **Experian (Formerly TRW)**

PO Box 949  
Allen, TX 75013-0949  
888-397-3742  
[www.experian.com](http://www.experian.com)

#### **Trans Union Consumer Disclosure Center**

PO Box 390  
Springfield, PA 19064-0390  
800-916-8800  
800-682-7654  
[www.tuc.com](http://www.tuc.com)

5. Monitor your credit reports regularly, even after your file appears to be clean. Sometimes thieves go dormant for a while, and then reappear.

## NOTICE AND DEMAND FOR PAYMENT OF DISHONORED CHECK

ATTN: \_\_\_\_\_

RE: Check Dated: \_\_\_\_\_  
Bank Drawn On: \_\_\_\_\_  
Amount of Check: \_\_\_\_\_  
Bearing Signature: \_\_\_\_\_

You are hereby notified that the above described check has been returned unpaid with the notation that payment was refused because of: \_\_\_\_\_

Please be aware that if payment in full is not received within five business days after mailing this notice, this matter will be referred to the proper authorities for criminal prosecution in accordance with Minnesota Statute §609.535. The following criminal penalties may apply:

- If the value of the dishonored check(s) is more than \$500, you may be sentenced to a maximum of five years imprisonment and/or a \$10,000 fine.
- If the value of the dishonored check(s) is between \$250-\$500, you may be sentenced to a maximum of not more than one year imprisonment and/or a \$3,000 fine.
- If the value of the dishonored check(s) is less than \$250, you may be sentenced to a maximum of 90 days imprisonment and/or a \$1,000 fine.

In addition to possible criminal penalties, the drawee will also be authorized to release certain account information to the holder of the check, law enforcement, and the prosecuting authority.

This notice of nonpayment or dishonor shall be sent by the payee or holder of the check to the maker by certified mail, return receipt requested to the address of record. Refusal by the maker of the check to accept certified mail notice shall not constitute a defense that notice was not received.

**PLEASE PAY IN FULL WITHIN FIVE BUSINESS DAYS OR THE  
COMPLAINANT \_\_\_\_\_ WILL  
NOTIFY THE PROPER AUTHORITIES FOR PROSECUTION.**

DATE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_